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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 SAN JOSE DIVISION

E-FILED - 4/19/06

20 BARE ESCENTUALS, INC.,

21 Plaintiff,

22 vs.

23 L'OREAL USA, INC. and its LANCOME
Division,

24 Defendants.

Case No. C 04-0173RMW

STIPULATION AND [PROPOSED]
ORDER TO STAY ALL DATES
PERTAINING TO THE TRIAL
CURRENTLY SET FOR OCT. 16, 2006
AND SETTING CASE MANAGEMENT
CONFERENCE FOR MAY 26, 2006

JUNE 9, 2006

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STIPULATION AND [PROPOSED] ORDER TO STAY ALL DATES PERTAINING TO THE TRIAL CURRENTLY
SET FOR OCT. 16, 2006

SF:128453.9

The parties to this action, by and through their respective counsel, hereby stipulate, agree and respectfully request that the pretrial schedule, together with the parties' obligations regarding the pretrial conference and trial date, as well as all other dates pertaining to the trial currently set for October 16, 2006, be stayed pending ongoing settlement negotiations.

On July 29, 2005, following a case management conference, the Court issued an order setting forth the following pretrial schedule:

JURY TRIAL	October 16, 2006, 1:30 PM
Pretrial Conference	October 5, 2006, 2:00 pm
Joint Pretrial Statement	September 29, 2006
Hearing on Dispositive Motions	September 1, 2006, 9:00 am
Discovery cutoff	June 15, 2006
Expert Discovery Cutoff	July 14, 2006

On March 29, 2006 counsel for Bare Escentuals, L'Oreal and Lancôme conferred with regard to this matter. The parties believe there has been a possible unexpected breakthrough that makes it worthwhile to resume settlement discussions that had previously been abandoned. For that reason, they wish to focus exclusively on settlement efforts and believe that such efforts may lead to a successful resolution of this action in its entirety. The parties thus ask that the pretrial schedule, together with the parties' obligations regarding the pretrial conference and trial date, be stayed pending the settlement negotiations. The parties request a further case management conference on June 2, 2006 to set a new schedule if a settlement has not been consummated by then.

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1 Dated: April 7, 2006

WINSTON & STRAWN LLP

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4 By: 

Douglas M. Bria
Attorneys for Plaintiff
BARE ESCENTUALS, INC.

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6 Dated: April 7, 2006

PAUL, HASTINGS, JANOFSKY & WALKER
LLP

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8
9 By: 

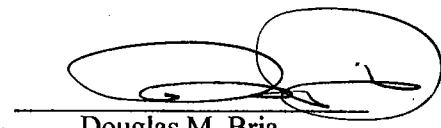
Robert L. Sherman
Attorneys for Defendants

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11 ATTESTATION OF CONCURRENCE

12 I, Douglas M. Bria, declare under penalty of perjury that concurrence in the filing of this
13 document has been obtained from Robert L. Sherman, attorney for Defendants.

14
15 Date: April 7, 2006

By:


Douglas M. Bria

17 PURSUANT TO STIPULATION, IT IS ORDERED that the trial date in this matter,
18 currently set for October 16, 2006, is stayed. The parties' obligations regarding the pretrial schedule
19 and all other dates pertaining to the trial are stayed accordingly. A case management conference is
20 set for June 2, 2006 at 9 a.m. June 9, 2006 @ 10:30 a.m. Parties are to file a revised joint
21 Case Management Statement by June 2, 2006.

22 Dated: 4/17/06

/s/ Ronald M. Whyte

THE HONORABLE RONALD M. WHYTE